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10/018,070	10/25/2001	Wanda Green Thompson	RCA 89470	8767

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EXAMINER

PENG, FRED H

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10/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/018,070	Applicant(s) THOMPSON ET AL.	
	Examiner FRED PENG	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 07/15/2008 have been fully considered but they are not persuasive.

Applicant argues on pages 6-8 of the Remarks dated 07/15/2008 that the cited reference from Macrae fails to teach or suggest the claimed features of "a first type of advertisements that is displayed only in response to user navigation within said electronic program guide and a second type of advertisements displayable independently of user navigation within said electronic program guide" as in Claims 6 and 10.

The Examiner respectfully disagrees with applicant's arguments. Macrae first teaches the sold ads, the first type of advertisements, can be put in the specific area in a program guide as Panel Ads (FIG. 1, 14, 16) as disclosed in Para 215 and 216; Macrae then discloses those Panel Ads can be displayed based on hard pages of said electronic program guide and each hard page is defined differently in the Sort screens, such as Movies, Sports, Children's, and each hard page may have different Panel ads associated with it (Para 218); Macrae further discloses as the user moves horizontally from one category to the next, the Panel ads will change (Para 219).

Macrae also discloses a Placeholder ad stored in ROM; as a second type of advertisements; the ad space in Panel Ads will be filled with a Placeholder ad only when a given ad space is not sold which indicates a first type of advertisements is not available; Macrae further discloses the Placeholder ad is timeless (Para 249) indicates that it is displayable independently of user navigation within said electronic program guide.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 6-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Macrae et al (US 2003/0208756).

Regarding Claims 6, 10 and 16, Macrae discloses an apparatus and corresponding method for providing advertisements in an electronic program guide (FIG.1, Para 27), comprising steps of:

receiving a plurality of advertisements from a signal source (Para 329 lines 1-4);

determining which, if any, of said received advertisements includes pre-defined control data (Para 218; Para 327 lines 4-11; received sold ads is linked to a specific display guide page based on category or theme);

storing each of said received advertisements based on said determination by storing said received advertisement as a first type of advertisement if said received advertisement includes said pre-defined control data (Para 220 lines 5-7; the sold ads related to a page is stored) and storing said received advertisement as a second type of advertisement if said received advertisement does not include said pre-defined control data (Para 216 lines 9-11; not sold space uses alternative placeholder ads);

enabling a user to access said electronic program guide (FIG.2, element 26; Para 28, Para 29, and Para 40, combination of remote control and central processor);

determining whether said first type of advertisement exists in said stored advertisements, said first type of advertisement being displayed only in response to user navigation within said electronic program guide (Para 218; Para 219; display sold ads in response to different category guide page);

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enabling display of said first type of advertisement in response to detecting user navigation within said electronic program guide if said first type of advertisement exists in said stored advertisements (Para 216 lines 9-11; Para 218; Para 219); and

enabling display of said second type of advertisement only if said first type of advertisement does not exist in said stored advertisements, said second type of advertisement being displayed independently of user navigation within said electronic program guide (Para 249; Para 216 lines 9-11; Ad placeholder is filled in for ads place if no sold ads is available and is independently of user navigation).

Regarding Claims 7, 11 and 17, Macrae further discloses first type of advertisement is stored in a first queue (Para 327 lines 1-3, 17-19, first type of advertisement is stored in the RAM), and said second type of advertisement is stored in a second queue (Para 249 lines 1-4, second type of advertisement is stored in ROM).

Regarding Claims 8, 12 and 18, Macrae further discloses said pre-defined control data includes a control bit (a control bit is inherently included in control data).

Regarding Claims 9, 13 and 19, Macrae further discloses first type of advertisement includes a descriptor indicating at least one of a specific channel and a specific program (Para 32; FIG.1, -52, Para 38).

Regarding Claims 14, 15 and 20, Macrae further discloses if said first type of advertisement is displayed, said first type of advertisement represents a program in said electronic program guide that is highlighted or about to be highlighted (Para 227 lines 1-6).

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Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Annan Q Shang/

Primary Examiner, Art Unit 2623

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Fred Peng
Patent Examiner

Vivek Srivastava
Supervisory Patent Examiner